

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOVON WILSON, #801395,

Petitioner,

v.

CASE NO. 15-CV-13885  
HONORABLE SEAN F. COX

STEVEN RIVARD,

Respondent.

\_\_\_\_\_ /

**OPINION AND ORDER GRANTING PETITIONER'S MOTION  
FOR NON-PREJUDICIAL DISMISSAL, DISMISSING WITHOUT  
PREJUDICE THE PETITION FOR A WRIT OF HABEAS CORPUS,  
AND DENYING A CERTIFICATE OF APPEALABILITY**

This matter is before the Court on habeas petitioner Jovon Wilson's motion to voluntarily dismiss his pending petition for a writ of habeas corpus so that he may return to the state courts and pursue further challenges to his state criminal proceedings. The Court previously denied Petitioner's motion to stay the proceedings and hold this case in abeyance. Given that Petitioner seeks to exhaust additional issues in the state courts and given that he has sufficient time to do so within the one-year statute of limitations applicable to federal habeas actions, dismissal of the present petition is appropriate.

Accordingly, the Court grants Petitioner's motion and dismisses without prejudice the petition for a writ of habeas corpus. Additionally, the Court denies a certificate of appealability as reasonable jurists could not debate the correctness of the Court's procedural ruling. See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000). This case is closed. Should Petitioner wish to seek federal

habeas relief following the exhaustion of state court remedies, he must file a new habeas petition in federal court within the time remaining on the one-year period of limitations.

**IT IS SO ORDERED.**

Dated: January 26, 2016

S/ Sean F. Cox

Sean F. Cox

U. S. District Judge

I hereby certify that on January 26, 2016, the foregoing document was served on counsel of record via electronic means and upon Jovon Wilson via First Class mail at the address below:

Jovon Wilson 801395  
St. Louis Correctional Facility  
8585 N. Croswell Road  
St. Louis, MI 48880

S/ J. McCoy

Case Manager